

EXHIBIT A

**DETROIT POLICE DEPARTMENT FOLLOW UP
REPORT**

DETROIT POLICE DEPARTMENT

Case No. **1503300406**
 Report No. **1503300406**
 Report Date: **3/31/2015**

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Subject: **4/4 33/In Custody Death**

Case Report Status **A APPROVED**
 County **82 WAYNE**
 City/Township **DETROIT**

Date Entered **3/31/2015 1:05:21 AM**
 Entered By **MORENO TRACY**
 Date Verified **3/31/2015 7:44:50 AM**
 Verified By **TOMSIC PATRICK**
 Date Approved **4/1/2015 3:42:50 PM**

Reporting Officer
MORENO TRACY

Assisted By
CARTHAN ERIC
CARVER ROBIN

Assist Agency

Occurred On **3/30/2015 :00:00 PM**

Approved By **BOYLE MICHAEL**

(and Between)
 Location **VERNOR/LAWNDALE**
 CSZ **DETROIT MI 4820**
 Census/Geo Code **5241**
 Grid **SW5 0205**
 Call Source

Connecting Cases
 Disposition **ACTIVE**

Tactical Actions

Clearance Reason

Date of Clearance

Reporting Agency

DETROIT POLICE DEPARTMENT
2nd/Southwest District

Division

Notified

Vehicle Activity

Vehicle Traveling

Cross Street

Means

Other Means

Motive

Other Motives

Report Narrative **NO FORCE USED**

PO MORENO T BADGE 3036
PO CARVER R BADGE 2845
PO CARTHAN E BADGE 2507

A NONE 1 VICTIM OHN DOE BM 24 POSSIBLE ID INFO OF ANTHONY DEMONE CLARK REED BM 1/22/ 1 6451 WILLETTE

S T/S VERNOR AND MULLANE FOR TINTED WINDOWS

C MY PARTNERS AND I WHILE WORKING SCOUT 433 IN MARKED SCOUT CAR AND MODIFIED UNIFORM WERE ON PATROL IN THE AREA OF VERNOR AND MULANE WHEN I OBSERVED A RED DODGE CHARGER WITH TINTED WINDOWS STOPPED AT THE LIGHT THE VEHICLE WHICH WAS STOPPED FACING WEST HAD A PLATE # OF BARB338 I GOT BEHIND THE VEHICLE AND AS THE LIGHT TURNED GREEN THE CHARGER BEGAN TO PULL THROUGH THE INTERSECTION AT WHICH TIME I ACTIVATED MY IN DASH LIGHTS TO EFFECT A TRAFFIC STOP THE RED CHARGER CONTINUED TO TRAVEL WEST ON VERNOR ALTHOUGH I HAD MY LIGHTS AND SIRENS ON WHILE THE VEHICLE CONTINUED TO TRAVEL WEST I COULD SEE THAT THE DRIVER HAD BEGUN TO REACH TO HIS RIGHT NEAR THE PASSENGER SIDE AREA THE DRIVER MADE SEVERAL LUNGING MOTIONS TO HIS RIGHT WHILE DRIVING FOR ALMOST 6 BLOCKS WITH LIGHTS AND SIRENS AT A SPEED OF ABOUT 30 MPH BEFORE FINALLY PULLING OVER BETWEEN LAWNDALE AND CABOT MY PARTNERS AND I EXITED OUR SCOUT CAR AND APPROACHED THE VEHICLE WITH ME ON THE DRIVER SIDE AND MY TWO PARTNERS ON THE PASSENGER SIDE AS I SLOWLY APPROACHED THE VEHICLE I GAVE LOUD VERBAL COMMANDS TO THE DRIVER TO ROLL DOWN ALL THE WINDOWS TO THE CAR TO WHICH HE DID I THEN GAVE A VERBAL COMMAND FOR THE DRIVER TO TURN OFF THE VEHICLE WHICH HE ALSO DID ONCE THE CAR WAS SHUT OFF I THEN GAVE COMMANDS FOR THE DRIVER TO PLACE HIS HANDS BEHIND HIS HEAD AND TO INTER LOCK HIS FINGERS WHICH HE ALSO DID BUT THEN QUICKLY MOVED HIS RIGHT HAND AND I AGAIN GAVE VERBAL COMMANDS TO PLACE HIS HANDS BEHIND HIS HEAD WHICH HE AGAIN DID I WALKED TOWARD THE DRIVER SIDE OF THE WINDOW DURING WHICH TIME HE AGAIN MOVED HIS RIGHT HAND AND I GAVE ANOTHER COMMAND FOR HIM TO PLACE HIS HANDS BEHIND HIS HEAD WHICH HE DID I THEN OPENED THE DOOR TO THE VEHICLE AND PLACED MY HANDS OVER THE HANDS OF THE DRIVER I THEN ASKED HIM TO SLOWLY EXIT THE VEHICLE AND TO LAY ON THE GROUND DUE TO HIS VERY LARGE SIZE WHICH HE COMPLIED I THEN WHILE STANDING OVER THE DRIVER BEGAN TO PLACE HIM IN HAND CUFFS DURING WHICH TIME THE DRIVER BEGAN TO SPEAK TO ME THE DRIVER SAID HEY MAN CAN YOU DO ME A FAVOR I THINK I'M HAVING AN ASTHMA ATTACK CAN YOU GET MY INHALER AFTER THE DRIVER WAS PLACED INTO HAND CUFFS I ALONG WITH MY PARTNER (PO CARTHAN) HELPED THE DRIVER TO HIS FEET AND ON HIS OWN HE WAS ABLE TO WALK BACK TOWARD THE PASSENGER SIDE OF MY SCOUT CAR WHILE STANDING AT THE SIDE OF OUR SCOUT CAR THE DRIVER BEGAN TO HAVE LABORED BREATHING WHILE STANDING AND AGAIN ASKED FOR HIS INHALER MY OTHER PARTNER PO CARVER THEN GRABBED A SMALL GRAY ASTHMA INHALER FROM THE DRIVERS VEHICLE AND HANDED IT TO ME I SHOWED THE INHALER TO THE DRIVER AND ASKED IS THIS YOURS TO WHICH HE NODDED HIS HEAD YES I THEN ASKED HIM YOU WANT THIS TO WHICH HE AGAIN NODDED HIS HEAD YES AND I HELD UP THE INHALER AND HE PLACED HIS MOUTH AROUND THE INHALER AS I ACTIVATED IT AND HE BEGAN TO INHALE AFTER USING THE INHALER THE DRIVER THEN STATED IM GONNA PISS ON MYSELF AND THEN SAID THE WORD AMBULANCE AT WHICH TIME MY PARTNER PO CARVER WENT OVER THE RADIO AND REQUESTED AN AMBULANCE FOR A MAN HAVING AN ASTHMA ATTACK JUST SECONDS AFTER ORDERING EMS THE

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DRIVER BEGAN TO LOOSE HIS BALANCE AND BEGAN TO LEAN AGAINST THE SCOUT CAR JUST A FEW MOMENTS LATER HE THEN FELL BACK ON TO THE HOOD OF THE CAR AND BEGAN TO SLIDE OFF OF THE HOOD MY PARTNER PO CARTHAN AND I WERE UNABLE TO HOLD UP THE DRIVER WHO BEGAN TO SLUMP OVER ON THE GROUND I QUICKLY UN CUFFED THE DRIVER AND WE ROLLED HIM ONTO HIS LEFT SIDE WITH HIS ARMS OUT STRETCHED WHILE LAYING ON HIS SIDE THE DRIVER'S LABORED BREATHING BEGAN TO SLOW SIGNIFICANTLY AND HE BEGAN TO GURGLE AND FOAM AT THE MOUTH AT WHICH TIME WE ASKED FOR AN ETA FOR EMS BUT NONE WAS AVAILABLE AFTER ABOUT 30 SECONDS IT APPEARED THAT THE DRIVER HAD STOPPED BREATHING AND MY PARTNERS CHECKED FOR APULSE BUT WERE UNABLE TO FIND ONE AT WHICH TIME I ALONG WITH PO CARTHAN ROLLED HIM ONTO HIS BACK AND I BEGAN TO CLEAR THE AIRWAY AND BEGAN CHEST COMPRESSIONS PO CARVER NOTIFIED RADIO THAT WE WERE BEGINNING CPR AND PO CARVER HAD RETRIEVED A POCKET MASK AND WE BEGAN CPR WITH ME PERFORMING CHEST COMPRESSIONS WHILE PO CARVER GAVE BREATHS TO THE DRIVER PO CARVER AND I PERFORMED CPR UNTIL THE ARRIVAL OF MEDIC WHO BEGAN TREATMENT BY ALSO PERFORMING CPR AND THEN CONVEYING HIM TO DRH FOR TREATMENT WHILE AT THE SCENE CODE 47 SGT HAMOOD MADE THE LOCATION ALONG WITH SCOUT 4 1 AND CODE 4 60 LT QUARELLO CODE 4 10 MADE DRH FOR CHART AND CONDITION INFORMATION WHERE THE DRIVER WAS PRONOUNCED DECEASED BY DR BRIAN KERN CHART # 11373637

MY PARTNERS AND I STOOD BY TO HOLD THE SCENE FOR HOMICIDE AND EVIDENCE TECHS WHILE STANDING BY AT THE SCENE MY PARTNERS SEARCHED THE VEHICLE TO SEE WHAT THE DRIVER MAY HAVE BEEN ATTEMPTING TO CONCEAL BUT FOUND NOTHING IN THE CAR BUT DID OBSERVE A LARGE AMOUNT OF MONEY IN THE DOOR AM OF THE DRIVER SIDE OF THE CAR AND INSIDE OF THE CENTER CONSOLE WHILE SEARCHING THE CAR SOME PAPER WORK WAS FOUND WITH THE NAME OF ANTHONY CLARK REED PER LEIN WE FOUND ANTHONY DEMONE CLARK REED BM 1/22/ 1 WHO HAD A SIMILAR PHYSICAL DESCRIPTION OF THE DRIVER HOW EVER WE WERE UNABLE TO OBTAIN A PHOTO TO CONFIRM THE IDENTITY WHILE AT THE SCENE WE WERE NOTIFIED BY SCOUT 4 10 THAT SUSPECTED HEROIN HAD BEEN RECOVERED FROM THE BODY OF THE DRIVER WHICH WAS COLLECTED BY SCOUT 4 10 WE CONTINUED TO HOLD THE SCENE WHILE CODE 2401 CAPTAIN SZALAGY MADE THE SCENE AS WELL AS CAPTAIN CHAMBERS OF THE 4TH PRECINCT AS WELL AS UNITS FROM HOMICIDE WE STOOD BY UNTIL THE VEHICLE WAS TOWED TO GENES FOR EVIDENCE AND THEN CLEARED THE SCENE

O SEE ABOVE

T 1 RED 06 DODGE CHARGER PL# BARB338 TOWED TO GENES TOW FOR EVIDENCE

Offense Detail: 54 MISCELLANEOUS GENERAL NON CRIMINAL

Offense Description	54 MISCELLANEOUS GENERAL NON CRIMINAL	Location	13 HIGHWAY/ROAD/ALLEY	No. Prem. Entered	
IBR Code		Offense Completed	YES	Entry Method	
IBR Group		Hate/Bias	00 NONE (NO BIAS)	Type Security	
Crime Against		Domestic Violence	NO	Tools Used	
Offense File Class	00				
PACC					
Local Code					
Using					
Criminal Activity					
Weapons					

Victim V1: CLARK REED ANTHONY

Victim Code	V1	Victim Of	54 MISCELLANEOUS GENERAL NON CRIMINAL
Victim Type	I INDIVIDUAL		
Name	CLARK REED ANTHONY	DOB	1/22/1 1
AKA		Age	24
Alert(s)		Sex	M MALE
		Race	B BLACK
Address		Ethnicity	U UNKNOWN
CSZ		Ht.	
		Wt.	
Home Phone		Eye Color	
Work Phone		Hair Color	
Email Address		Facial Hair	
		Complexion	
Attire			
Injury			
Circumstances			
		Place of Birth	
		SSN	
		DLN	
		DLN State	
		DLN Country	
		Occupation/Grade	
		Employer/School	
		Employer Address	
		Employer CSZ	
		Res. County	
		Res. Country	
		Resident Status	U UNKNOWN
		Testify	

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Law Enforcement Officer Killed or Assaulted Information	Type
	Assignment
	Activity
	Other ORI

Justifiable Homicide Circumstances	
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Victim Offender Relationships

Offender	Relationship
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Victim Notes

EXHIBIT B

**DETROIT POLICE DEPARTMENT FOLLOW UP
REPORT**

DETROIT POLICE DEPARTMENT

Case No. **1503300406**
 Report No. **1503300406 8**
 Report Date: **3/31/2015**

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Subject: **4/4 33/In Custody Death**

Case Report Status **A APPROVED**
 County **82 WAYNE**
 City/Township **DETROIT**

Date Entered **3/31/2015 1:14:41 AM**
 Entered By **CARTHAN ERIC**
 Date Verified **3/31/2015 7:44:47 AM**
 Verified By **TOMSIC PATRICK**
 Date Approved **4/1/2015 3:42:36 PM**
 Approved By **BOYLE MICHAEL**

Reporting Officer
CARTHAN ERIC

Assisted By
CARVER ROBIN

Assist Agency
DPD

Occurred On **3/30/2015 :00:00 PM**
 (and Between)
 Location **W VERNOR AND LAWDALE**
 CSZ
 Census/Geo Code **4558**
 Grid **SW7 0207**
 Call Source

Connecting Cases
 Disposition **ACTIVE**
 Tactical Actions
 Clearance Reason
 Date of Clearance
 Reporting Agency **DETROIT POLICE DEPARTMENT**
 Division **2nd/Southwest District**
 Notified **47 SGT HAMOOD**

Vehicle Activity
 Vehicle Traveling
 Cross Street

Means
 Other Means
 Motive
 Other Motives

Report Narrative

NO FORCE USED

P O ERIC CARTHAN # 2507
P O TRACY MORENO # 3036
P O ROBIN CARVER # 2845

A: NONE**S: TRAFFIC STOP TINTED WINDOWS**

C: SCOUT 433 MANNED BY OFFICER MORENO (DRIVER) OFFICER CARVER (FRONT PASSENGER) AND I (CARTHAN PASSENGER REAR) WAS ON ROUTINE PATROL IN THE AREA OF W VERNOR AND MULLANE WHEN I (WE) OBSERVED A BURG DODGE CHARGER WITH TINTED WINDOWS ON THE FRONT DRIVER AND PASSENGER SIDE STOPPED AT THE TRAFFIC LIGHT FACING WEST BOUND OFFICER MORENO (DRIVER) DID A U TURN AND GOT BEHIND THE BURGUNDY CHARGER (MI REG: BARB 33B) ONCE THE TRAFFIC LIGHT TURNED GREEN OFFICER MORENO ACTIVATED HIS OVER HEAD LIGHTS AND SIREN THE CHARGER DRIVER (ON DOE) REFUSED TO STOP STILL DRIVING AT A LOW SPEED EST 20 25 MPH AS ABOVE CONTINUE TO DRIVE WESTBOUND I OBSERVED THE DRIVER LEAN TO THE PASSENGER SIDE LIKE THREE TO FOUR TIMES AS IF HE WAS HIDING SOMETHING LIKE DRUGS OR A GUN BETWEEN LAWDALE AND CABOT ON W VERNOR THE CHARGER CAME TO A STOP I AND OFFICER CARVER APPROACHED THE PASSENGER SIDE AND ORDER THE MALE BLACK DRIVER TO ROLL DOWN ALL THE WINDOWS AND HE COMPLIED OFFICER MORENO THEN APPROACHED THE DRIVER SIDE AND ORDERED THE DRIVER (ON DOE) TO PUT HIS HANDS ON TOP OF HIS HEAD AND HE COMPLIED SECONDS LATER I HEAR OFFICER MORENO STATE KEEP YOUR HANDS ON TOP OF YOUR HEAD AS OFFICER MORENO ORDERED ON DOE OUT THE VEHICLE I RELOCATED TO THE DRIVERSIDE OF THE VEHICLE BEHIND MORENO ON DOE E ITED THE VEHICLE WITH THE ASSISTANCE OF OFFICER MORENO OFFICER MORENO ORDERED HIM TO THE GROUND AND HE COMPLIED (NO FORCE USED) I'M STANDING IN FRONT OF ON DOE AS OFFICER MORENO WAS HANDCUFFING HIM ON DOE THEN ASKED HIM TO DO HIM AND FAVOR GET HIS INHALER HAVING TROUBLE BREATHING AND HAVING AN ASTHMA ATTACK I AND MORENO HELPED ON DOE TO HIS FEET AND HE WALKED ON HIS OWNED TO THE FRONT OF OUR SCOUT CAR ON DOE TOOK ONE HIT FROM HIS INHALER AND STATED I NEED AMBULANCE THEN URINATED ON HIMSELF CARVER THEN ASKED DISPATCHED FOR EMS AT THIS TIME ON DOE LEANED BACK ON THE SCOUT CAR AND I ALONE WITH MORENO ATTEMPTED TO KEEP HIM STANDING STRAIGHT UP TO EASE HIS BREATHING ON DOE THEN LEAN BACK AGAIN AND DOWN THE SIDE OF THE SCOUT CAR WITH MY ASSISTANCE AND MORENO WE PUT ON DOE ON HIS SIDE AND MORENO REMOVED THE HANDCUFFS I CHECK FOR A PULSE AND ADVISED IT WAS WEAK AND HE FOAMING AT THE MOUTH MORENO CLEARED HIS AIRWAY WITH HIS HAND CARVER ADVISED DISPATCH OF FINDINGS AND ASKED FOR AN ETA I CHECKED ON DOE FOR A PULSE NONE FOUND I ADVISED MY CREW I AND MORENO STRETCHED ON DOE OUT MORENO AND CARVER THEN PERFORMED CPR ON DOE GURGLE AND WE ROLLED HIM TO HIS SIDE ON DOE SPIT UP WHAT LOOKS TO BE CRACK COCAINE AND BLOOD CARVER AND MORENO THEN CONTINUE CPR THEN MED ARRIVED ON SCENE AND TOOK OVER SCOUT 47 SGT HAMOOD WAS REQUESTED AND MADE THE LOCATION 460 LT QUARILLO MADE THE SCENE

O: SEE ABOVE

T: 2006 4DOOR DODGE CHARGER MI REG: BARB 33B SW: 14328 B T HELD AT GENES FOR EVIDENCE NO VIN UST ON THE DOOR

**DETROIT POLICE DEPARTMENT FOLLOW UP
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Offense Detail: 54 MISCELLANEOUS GENERAL NON CRIMINAL

Offense Description	54 MISCELLANEOUS GENERAL NON CRIMINAL	Location	13 HIGHWAY/ROAD/ALLEY	No. Prem. Entered	
IBR Code		Offense Completed	YES	Entry Method	
IBR Group		Hate/Bias	00 NONE (NO BIAS)	Type Security	
Crime Against		Domestic Violence	NO	Tools Used	
Offense File Class	00				
PACC					
Local Code					
Using					
Criminal Activity					
Weapons					

Suspect S1: DOE OHN

Suspect Number	S1	DOB		Place of Birth	
Name	DOE OHN	Age	30	SSN	
AKA		Sex	M MALE	DLN	
Alert(s)		Race	B BLACK	DLN State	
		Ethnicity	U UNKNOWN	DLN Country	
Address		Ht.		Occupation/Grade	
CSZ		Wt.		Employer/School	
		Eye Color		Employer Address	
Home Phone		Hair Color		Employer CSZ	
Work Phone		Hair Style		Res. County	
Email Address		Hair Length		Res. Country	
		Facial Hair		Resident Status	U UNKNOWN
		Complexion			
		Build			
		Teeth			
Scars/Marks/Tattoos					
Suspect MO					
Other MO					
Attire					
Habitual Offender					
Status					
Suspect Notes					

Victim V1: CLARK REED ANTHONY

Victim Code	V1	Victim Of	54 MISCELLANEOUS GENERAL NON CRIMINAL	
Victim Type	I INDIVIDUAL			
Name	CLARK REED ANTHONY	DOB	1/22/1 1	Place of Birth
AKA		Age	24	SSN
Alert(s)		Sex	M MALE	DLN
		Race	B BLACK	DLN State
Address		Ethnicity	U UNKNOWN	DLN Country
CSZ		Ht.		Occupation/Grade
		Wt.		Employer/School
Home Phone		Eye Color		Employer Address
Work Phone		Hair Color		Employer CSZ
Email Address		Facial Hair		Res. County
		Complexion		Res. Country
Attire				Resident Status
Injury				U UNKNOWN
Circumstances				Testify

DETROIT POLICE DEPARTMENT FOLLOW UP REPORT

DETROIT POLICE DEPARTMENT

Case No. **1503300406**
 Report No. **1503300406 8**
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Law Enforcement Officer Killed or Assaulted Information	Type
	Assignment
	Activity
	Other ORI

Justifiable Homicide Circumstances	
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Victim Offender Relationships

Offender	Relationship
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Victim Notes

Property Description Item 3: 35 8 OTHER MOTOR VEHICLE (NOT STOLEN OR RECOVERED) VEHICLE

Item No.	3
Property Category	35 8 OTHER MOTOR VEHICLE (NOT STOLEN OR RECOVERED)
Property Class	24
IBR Type	24 OTHER MOTOR VEHICLES
UCR Type	V OTHER VEHICLE (NOT STOLEN OR RECOVERED)
Status	E EVIDENCE (INCLUDING OTHER SEIZED PROPERTY AND TOOLS)
Count	1
Value	5000
Manufacturer	DODGE
Model	CHARGER
Serial No.	2B3KA53H86H412628
License No.	BARB 33B
Color	MAR MAROON OR BURGUNDY
Description	VEHICLE
Vehicle Year	2006
Body Style	4D 4 DOOR
State	MI MICHIGAN
License Year	
Recovered Date/Time	
Owner	
Disposition	
Evidence Tag	1503300406
Lock Seals	
Evidence Recovered Date/Time	3/30/2015 11:00:00 PM
Evidence Recovered By	CARTHAN ERIC
Evidence Recovered From	SCENE
Evidence Location	AP AUTO POUND
Alert(s)	
Drug Type	
Drug Quantity	
Drug Measure	

Property Notes

**DETROIT POLICE DEPARTMENT FOLLOW UP
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Case No. **1503300406**
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Subject: **4/4 33/In Custody Death**

Case Report Status **A APPROVED**
 County **82 WAYNE**
 City/Township **DETROIT**

Date Entered **3/31/2015 1:02:25 AM**
 Entered By **CARVER ROBIN**
 Date Verified **3/31/2015 7:44:04 AM**
 Verified By **TOMSIC PATRICK**
 Date Approved **4/1/2015 3:42:13 PM**
 Approved By **BOYLE MICHAEL**

Reporting Officer
ANDREWS DAVID

Occurred On **3/30/2015 11:00:00 PM**
 (and Between)

Assisted By
KERR CHRISTIAN

Location **W VERNOR/LAWNDALE**

Connecting Cases
 Disposition **ACTIVE**

Assist Agency

CSZ
 Census/Geo Code **232**
 Grid **SW4 0204**
 Call Source

Tactical Actions
 Clearance Reason
 Date of Clearance
 Reporting Agency **DETROIT POLICE DEPARTMENT**
 Division **2nd/Southwest District**
 Notified

Vehicle Activity
 Vehicle Traveling
 Cross Street

Means
 Other Means
 Motive
 Other Motives

Report Narrative **PO CARVER R #2845 4 33**
PO MORENO T #3036 4 33
PO CARTHAN E #2507 4 33

NO FORCE USED

A) NONE VICTIM OHN DOE B/M/24

S) TRAFFIC STOP

C) MY PARTNERS AND I WHILE TRAVELING E/B VERNOR AT APPROX 00PM ON ABV DATE OBSERVED A BURGANDY CHARGER PL# BARB33B WITH TINTED WINDOWS FACING W/B STOPPED AT THE TRAFFIC LIGHT ON VERNOR AND MULLANE MY PARTNER COMPLETED A U TURN AND ACTIVATED LIGHTS AND SIRENS IN ATTEMPT TO EFFECT A TRAFFIC STOP I THEN OBSERVED THE DRIVER LEAN OVER TOWARD THE PASSENGER SIDE AS IF HE WAS CONCEALING SOMETHING WHILE STILL TRAVELING WEST BOUND VERNOR VEH CONTINUED TO TRAVEL A FEW MORE BLOCKS BEFORE FINALLY PULLING OVER NEAR LAWNDALE UPON MY APPROACH OF THE PASSENGER SIDE I OBSERVED SUB STILL MOVING AROUND AND GRABBING AT HIS SHORTS I THEN HEARD MY PARTNER PO MORENO GIVE VERBAL COMMANDS TO THE SUB TO STOP MOVING AND PLACE HIS HANDS BEHIND HIS HEAD ONCE SUB WAS OUT OF THE VEH I THEN BEGAN TO CONDUCT A SEARCH THE PASSENGER SIDE AREA WHERE SUB WAS LEANING TOWARD I OBSERVED THE SUB STANDING IN FRONT OF OUR SCT CAR BREATHING HEAVY AS PO MORENO ASKED ME TO GET HIS INHALER PO MORENO ATTEMPTED THE INHALER MULTIPLE TIMES THEN SUB STATES ITS NOT WORKING IM GOING TO PISS ON MYSELF I THEN IMMEDIATELY NOTIFIED DISPATCH FOR MEDICS AND GAVE OUT OUR LOCATION AND CIRCUMSTANCES SUB IS NOW SITTING DOWN AND PO MORENO IS REMOVING THE CUFFS WHILE PO CARTHAN IS HOLDING SUB FROM FALLING OVER PREVENTING IN URY I ATTEMPTED TO FIND A PULSE ON THE SUB AT WHICH TIME I COULD NOT FIND ONE I RADIOED DISPATCH TO INQUIRE MEDICS LOC AND WAS GIVEN A 3 MINUTE ETA I THEN YELLED TO PO MORENO WE NEED TO TO DO CPR AS I WENT TO THE TRUNK TO RETRIEVE MY DEPT ISSUED CPR MASK AND PROTECTIVE GLOVES PO MORENO BEGAN TO ADMINISTER CHEST COMPRESSIONS AS I INFORMED RADIO WE WERE STARTING CPR AND BEGAN TO PUT MY MASK TOGETHER WITH THE HELP OF MY PARTNERS WE ROLLED SUB ON HIS BACK AND I CLEARED HIS AIR WAY WHILE PO CARTHAN MOVED THE SCT CAR BACK TO GIVE US ROOM TO WORK PO MORENO APPLIED CHEST COMPRESSIONS WHILE I GAVE RESCUE BREATHS REPEATEDLY TILL MEDIC MADE OUR LOC TO TAKE OVER CPR MEDIC CONVEYED VIC TO DRH WHILE WE HELD THE SCENE FOR EVIDENCE TECHS

O) OBSERVED MONEY IN THE CENTER CONSOLE AND DRIVERS DOOR

T) SEE PROPERTY

Offense Detail: 54 MISCELLANEOUS GENERAL NON CRIMINAL

Offense Description **54 MISCELLANEOUS GENERAL NON CRIMINAL**
 IBR Code
 IBR Group
 Crime Against

Location **13 HIGHWAY/ROAD/ALLEY**
 Offense Completed **YES**
 Hate/Bias **00 NONE (NO BIAS)**

No. Prem. Entered
 Entry Method

**DETROIT POLICE DEPARTMENT FOLLOW UP
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 Report Date: **3/31/2015**

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Offense File Class **00**Domestic Violence **NO**

Type Security

PACC

Tools Used

Local Code

Using

Criminal Activity

Weapons

Victim V1: CLARK REED ANTHONY

Victim Code **V1**
 Victim Type **I INDIVIDUAL**

Victim Of **54 MISCELLANEOUS GENERAL NON CRIMINAL**

Name **CLARK REED ANTHONY**
 AKA
 Alert(s)
 Address
 CSZ
 Home Phone
 Work Phone
 Email Address
 Attire
 Injury
 Circumstances

DOB **1/22/1 1**
 Age **24**
 Sex **M MALE**
 Race **B BLACK**
 Ethnicity **U UNKNOWN**
 Ht.
 Wt.
 Eye Color
 Hair Color
 Facial Hair
 Complexion

Place of Birth
 SSN
 DLN
 DLN State
 DLN Country
 Occupation/Grade
 Employer/School
 Employer Address
 Employer CSZ
 Res. County
 Res. Country
 Resident Status **U UNKNOWN**
 Testify

Law Enforcement Officer Killed or Assaulted Information	Type
	Assignment
	Activity
	Other ORI

Justifiable Homicide Circumstances	
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Victim Offender Relationships

Offender Relationship

Victim Notes

EXHIBIT C

EXHIBIT D



OFFICE of the WAYNE COUNTY MEDICAL EXAMINER

1300 East Warren Avenue
Detroit, MI 48207

POST MORTEM REPORT

M.E. CASE NUMBER
15-3837
COUNTY OF DEATH
WAYNE
TOWN OF DEATH
DETROIT
DATE PRONOUNCED DEAD
Mar 30, 2015

No abnormality is noted in the cervical muscles, hyoid bone, laryngeal cartilages, trachea, or the cervical vertebral column.

Cardiovascular System:

The 600 gram enlarged heart has a normal configuration with a moderate amount of epicardial fat. The coronary arteries have no significant atherosclerotic disease. There are no acute thrombi. The hypertrophic left ventricular free wall is 2 centimeters thick. The hypertrophic interventricular septum is 1.5 centimeters thick. There are no focal endomyocardial lesions. The papillary muscles and chordae tendineae are thickened, and the heart valves are unremarkable. The aorta has no significant atherosclerosis. The major arteries and great veins have a normal distribution.

Respiratory System:

The larynx and trachea are unremarkable. The right and left lungs are 575 grams and 426 grams, respectively. The lungs are hyperinflated, edematous, and congested. There are no neoplastic masses, focal lesions, infarcts, or hemorrhages. There are no pulmonary emboli.

Hepatobiliary System:

The 2575 gram enlarged liver has a smooth serosal surface. The parenchyma is firm and has a diffuse brown to green discoloration. There are no neoplastic masses, focal lesions, infarcts, or hemorrhages. The gallbladder and biliary tracts are unremarkable.

Hemolymphatics:

The 350 gram spleen has a smooth surface. The parenchyma has no neoplastic masses, focal lesions, infarcts, or hemorrhages. Lymphadenopathy is not appreciated.

Alimentary System:

The tongue, esophagus, stomach, small bowel, appendix and colon are unremarkable. The stomach is devoid of gastric contents. The lining of the stomach has a normal rugal pattern.

Pancreas:

The pancreas has a normal lobulated pattern.

Endocrine System:

The thyroid gland has a normal bilobed configuration. The adrenal glands are unremarkable.

Genitourinary System:

The right and left kidneys are each 200 grams. Both kidneys have smooth cortical surfaces and normal cortico-medullary regions. There are no abnormalities in the calyceal systems, pelves, ureters, or bladder.

Musculoskeletal System:

Except for the above noted injuries, all the muscles and axial skeleton are free of any significant abnormalities.

Routine tissue specimens are retained in formalin for one year after autopsy in accordance with the current record retention schedule.

10-1C



OFFICE of the WAYNE COUNTY MEDICAL EXAMINER

1300 East Warren Avenue
Detroit, MI 48207

POST MORTEM REPORT

M.E. CASE NUMBER
15-3837

COUNTY OF DEATH
WAYNE

TOWN OF DEATH
DETROIT

DATE PRONOUNCED DEAD
Mar 30, 2015

MICROSCOPIC DESCRIPTION

Cassette Summary:

- 1 to 2. Brain
- 3. Heart
- 4. Lung
- 5. Kidney
- 6. Heart
- 7. Liver
- 8. Kidney
- 9 to 10. Lungs

Heart: Hypertrophic cardiac myocytes with enlarged nuclei.

Lungs: Vascular congestion, pulmonary edema, mucus plugging of bronchi, and smooth muscle hypertrophy of bronchiole walls associated with goblet cell metaplasia of respiratory epithelium, submucosal inflammation, and thick basement membranes.

Liver: Focal areas of macrovesicular and microvesicular steatosis; Postmortem autolysis.

Kidneys: No significant histopathologic findings.

Brain: No significant histopathologic findings.

(End of Report)

EXHIBIT E

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LEDA REED, as the Personal
Representative of the Estate
of Anthony Demone Clark-Reed,

Plaintiff,

-vs-

No. 4:18-cv-10427-LVP-EAS

Hon. Linda V. Parker
Mag. Elizabeth A. Stafford

THE CITY OF DETROIT, OFFICER
TRACY MORENO, OFFICER ROBIN
CARVER, OFFICER ERIC CARTHAN,
Detroit Police Officers, in
their official capacities and
individually, jointly and severally,

Defendants.

_____ /

The deposition of LEDA REED, taken at 2
Woodward Avenue, Detroit, Michigan, on Monday,
October 8, 2018, commencing at 10:24 p.m., before
Reporter LaVerne M. Reinhardt, CSR-2305.



1 Q. Okay. All right, and are you still at that
2 address?

3 A. Yes.

4 Q. Okay. Who else lives there at Willette? Who else
5 was living at Willette at that time, Ms. Reed?

6 A. My daughters.

7 Q. Daughters. Are they adult daughters?

8 A. Yes.

9 Q. Okay. How old?

10 A. They about, they're a year younger than Anthony.

11 Q. And he was?

12 A. He was 24 so they was 23 at the time. They're
13 twins.

14 Q. Oh, twins, okay. What's their name?

15 A. Dashal, D-a-s-h-a-l, and Dashawna, D-a-s-h-a-w-n-a.

16 Q. And the last name Reed?

17 A. The same as Anthony, Clark-Reed.

18 Q. Okay. The hyphenated last name, is that a more --

19 A. Their father.

20 Q. Father's name. Okay. Let's go into the incident.

21 So Ms. Clark -- I'm sorry, Ms. Reed, you were not
22 present at the time of the -- when your son was
23 stopped?

24 A. That's correct.

25 Q. Okay. Where were you at the time?

1 Q. Okay. And this was all within the same week of
2 this?

3 A. Yes.

4 Q. Okay. So hearing the illegal tint did you form the
5 idea that that tint was illegal on your own or did
6 someone tell you no, that's not illegal?

7 A. Well, that's no easy way to answer it. Everyone in
8 the neighborhood is constantly pulled over for
9 illegal tint so they make it a purpose not to have
10 anything too dark so they don't get pulled over.

11 Q. Okay. So that's the answer to that is that
12 immediately when you saw the news story about the
13 illegal tint and the newspapers on illegal tint you
14 formed that understanding on your own that your
15 son's tint wasn't illegal?

16 A. No, that's what they said, it's not illegal. When
17 they put it on there they said it's not illegal.

18 Q. When they put it on you mean the installers of the
19 tint?

20 A. Yes.

21 Q. Okay. Were you there with him when he got it
22 installed?

23 A. No.

24 Q. Okay. How do you know that they said that then?

25 A. Quandra.

1 Q. You didn't but you know someone else did?

2 A. I'm not sure.

3 Q. Okay. So you say you're not sure, you think
4 someone may have?

5 A. May have.

6 Q. Who?

7 A. I'm not sure.

8 Q. Okay, well, what makes you think -- what leads you
9 to say someone may have?

10 A. A bunch of us went over there that day.

11 Q. Okay. So this is information that -- so what day
12 was that?

13 A. The next day.

14 Q. The next day, okay. And you say a bunch of you
15 went over there. Who all was involved in that
16 group?

17 A. The neighborhood.

18 Q. The entire neighborhood?

19 A. (Nodding yes.)

20 Q. Okay. And so you went into the food center and --
21 I'm sorry, you were with the neighborhood people
22 but didn't go in?

23 A. We was in the area. Everybody went in the area and
24 everybody spreaded out.

25 Q. Okay, well, tell me what happened exactly in your

1 own words.

2 A. Everybody just went over in the neighborhood to see
3 if they could find anyone that seen anything.

4 Q. Okay. So what did you find, if anything?

5 A. I went to the liquor store, that's the only place I
6 went.

7 Q. Okay. So Tropicana didn't -- you didn't find
8 anything at Tropicana or you found out there was a
9 video but that the police had already seized the
10 video?

11 A. (Nodding yes.)

12 Q. So did any of the other people find out anything
13 that were canvassing?

14 A. I don't know, we didn't talk later.

15 Q. So no one came to you and said Ms. Clark -- excuse
16 me -- Ms. Reed, I found out this person, that
17 person saw something?

18 A. No.

19 Q. About how many people were involved in the canvass?
20 Ten, 20, 30?

21 A. Maybe about 30.

22 Q. Did you know all of these people?

23 A. They knew me.

24 Q. How do you know that they knew you?

25 A. Everybody know me.

EXHIBIT F

1 UNITED STATES DISTRICT COURT,
2 EASTERN DISTRICT OF MICHIGAN,
3 SOUTHERN DIVISION

4 Leda Reed, as the Personal
Representative of the Estate of
Anthony Demone Clark-Reed

5 Plaintiff,
6 vs.

Hon. Linda Parker
Case No. 18-10427

7 The City of Detroit, a Michigan
Municipal Corporation,
Officer Tracy Moreno,
8 Officer Robin Carver,
Officer Eric Carthan, in their
9 official capacities and individually,
Jointly and Severally,

10 Defendants.
11 _____/

12 DEPOSITION OF POLICE OFFICER TRACY MORENO,

13 Taken by the Plaintiff on the 9th day of January, 2019,
14 at the offices of City of Detroit Law Department, at
15 Suite 500, CAYMC, 2 Woodward Avenue, Detroit, Michigan,
16 at 11:00 a.m.

17 APPEARANCES:

18 For the Plaintiff: Mr. Herbert A. Sanders - P43031
The Sanders Law Firm
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24 olmsteadc@detroitmi.gov

25 Reported by: Shalaan K. Fisher, CSR-2284
(313) 881-3380

1 Q All right. So, this 300 pound man has his hands on his
2 head and he is getting out of a charger?

3 A I'm sorry. Can I backtrack?

4 Q Okay.

5 A I had him shut the vehicle off.

6 Q You had him shut the vehicle off?

7 Now, you have him step out of the vehicle while
8 maintaining his hands on his head; is that accurate?

9 A That is correct.

10 Q What happens next?

11 A I had him get onto the ground after he exited the
12 vehicle.

13 Q Okay. And his hands are still interlocked behind his
14 head; is that accurate?

15 A Yes.

16 Q All right. And when you say, you had him get on the
17 ground, how is he on the ground?

18 A First, he went to his knees and then onto his belly or
19 his stomach or chest.

20 Q And at this time, his fingers are still interlocked
21 behind his head; is that accurate?

22 A I believe, he might have had one hand out to lower
23 himself to the ground, but that was it.

24 Q You indicated in your report that he put one hand out
25 to lower himself to the ground?

1 A I don't believe so.

2 Q Okay. I don't believe so, either.

3 So, he goes to his knees and then he goes to
4 his stomach on the ground.

5 Then what happens next?

6 A I began to stand over him.

7 Q Okay.

8 A And I ended up taking his left and right hand, pulling
9 them back to his small of his back area, because he was
10 a very large individual. For a brief moment, I was on
11 him, going from left to right to secure his left and
12 right wrist with handcuffs.

13 Q Okay. What do you mean, you were on him?

14 A I might have sat on the small of his back area right
15 above the buttocks.

16 Q And you sit on the small of his back, above his
17 buttocks.

18 What happens next?

19 A He was handcuffed --

20 Q Okay.

21 A -- once.

22 Q Let me stop you right there.

23 During the process of you handcuffing him, he
24 requested that you give him his inhaler.

25 Isn't that accurate?

1 A Yes.

2 Q Okay. And would it be accurate that he was laboring to
3 breathe at that time --

4 A Not at that time.

5 Q -- in your observation?

6 A Correct.

7 Q So, before he is handcuffed, he indicates that he would
8 like his inhaler.

9 You continued to handcuff him, correct?

10 A Correct.

11 Q What happens next?

12 A After he was handcuffed, I, along with Officer Carthan,
13 assisted him in getting him back up to his feet. He
14 was not on the ground more than five to eight seconds.
15 He was searched for weapons. None were found, and we
16 walked back to the passenger's side front tire of our
17 scout car.

18 (At 11:39 a.m., Plaintiff's Exhibit #2 was
19 marked for identification.)

20 Q I would like to show you what's been marked as
21 Deposition Exhibit #2.

22 Are you familiar with that document?

23 A This appears to be a copy of my report.

24 Q And it appears that there were some highlights made on
25 the report that alternately resulted in redactions when

EXHIBIT G

680 Fed.Appx. 362

This case was not selected for publication in West's Federal Reporter.

See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 6th Cir. Rule 32.1.

United States Court of Appeals,
Sixth Circuit.

ESTATE OF Leon **BRACKENS**, Plaintiff,
Odell **Brackens**, Jr., as Personal Representative
of the **Estate** of Leon **Brackens**,
Plaintiff-Appellant,
v.

LOUISVILLE JEFFERSON COUNTY METRO
GOVERNMENT, dba **Louisville Metro Police
Department**; Sam Madison; Kevin Hamlin; Brian
Gillock; Nathaniel Hernandez; **James Steffan**;
Robert Ashenfelter; Robert Ward; **Matthew Glass**;
Christopher Meredith; Stu Hamilton, Sergeant, in
their individual capacities, Defendants-Appellants,
and
Emily Lettie, et al., Defendants.

No. 15-6142

Filed February 21, 2017

Synopsis

Background: African-American passenger in vehicle involved in high-speed chase with police officers filed § 1983 action against officers, asserting claims for excessive force in violation of Fourth Amendment, § 1985 conspiracy to violate his constitutional rights and to conceal evidence, and violations of state law, and seeking damages for femoral and humeral fractures sustained as result of officers forcibly removing him from vehicle, pinning him to ground until he was handcuffed, and then conducting pat down, after they had received inaccurate communications from dispatchers regarding details of passenger's 911 calls stating he was being held against his will and could not escape from vehicle. The United States District Court for the Western District of Kentucky, **David J. Hale, J.**, 2015 WL 5786818, granted officers summary judgment based on qualified immunity. Appeal was taken.

Holdings: The Court of Appeals, **Boggs**, Circuit Judge, held that:

[1] officers did not use excessive force during seizure of passenger;

[2] officers did not conspire to deprive passenger of equal protection;

[3] district court did not abuse discretion by ruling on pendent state law claims;

[4] officers did not act in bad faith; and

[5] officers did not tamper with physical evidence.

Affirmed.

West Headnotes (5)

[1] **Arrest**

🔑 Duration of detention and extent or conduct of investigation

Police officers used only reasonable force, not excessive force in violation of Fourth Amendment, in neutralizing perceived threat of potentially dangerous passenger by forcibly removing him from vehicle, pinning him to ground until he was handcuffed, and conducting pat down, after vehicle had been in 20-minute high-speed chase with officers through two states, driving in wrong direction on highway at one point, and trying to ram police cruiser; although officers received inaccurate communications from dispatchers regarding details of passenger's 911 calls stating he was being held against his will and could not escape from vehicle, officers had no reason to question that inaccurate information in midst of tense, uncertain, and rapidly evolving car chase. **U.S. Const. Amend. 4.**

Cases that cite this headnote

[2] **Conspiracy**

🔑 Rights or privileges involved

There was no evidence that police officers conspired to deprive African-American passenger of equal protection of laws or that officers were motivated by racial or other class-based animus in carrying out alleged conspiracy to violate his constitutional rights and to conceal evidence, as required to support his § 1985 conspiracy claim arising from officers' conduct in removing him from vehicle that had been in high-speed chase with officers and pinning him to ground until he was handcuffed. U.S. Const. Amends. 4, 14; 42 U.S.C.A. § 1985(3).

Cases that cite this headnote

[3]

Federal Courts

🔑 Effect of dismissal or other elimination of federal claims

District court did not abuse its discretion in ruling on passenger's pendent state law claims, after dismissing his § 1983 claims, against police officers who forcibly removed him from vehicle, pinned him to ground until he was handcuffed, and then conducted pat down, since court did not have to blaze new trails in state law and could resolve claims with facts and findings before it, as qualified immunity for § 1983 claims was essentially identical to qualified official immunity inquiry under Kentucky law. 42 U.S.C.A. § 1983.

2 Cases that cite this headnote

[4]

Arrest

🔑 Duration of detention and extent or conduct of investigation

Under Kentucky law, police officers did not act in bad faith by forcibly removing passenger from vehicle, pinning him to ground until he was handcuffed, and conducting pat down, after vehicle had been in 20-minute high-speed chase with officers through two states, driving in wrong direction on highway at one point, and

trying to ram police cruiser, since officers' actions were not objectively unreasonable, and they did not willfully or malicious intend to harm passenger, but rather, they behaved with permissible intention of abating what they reasonably perceived as immediate safety threat.

Cases that cite this headnote

[5]

Municipal Corporations

🔑 Police and fire

Public Employment

🔑 Law enforcement personnel

There was no evidence that police officers altered physical evidence with intent to impair its availability in official proceeding, as required to support passenger's claim that officers tampered with physical evidence, in violation of Kentucky law, after removing him from vehicle that was involved in high-speed chase with officers. Ky. Rev. Stat. Ann. § 524.100(1)(a).

Cases that cite this headnote

***363 ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF KENTUCKY**

Attorneys and Law Firms

Daniel J. Canon, Law Offices, **Louisville**, KY, Garry Richard Adams, Jr., Clay, Daniel, Walton & Adams, **Louisville**, KY, for Plaintiff

Daniel J. Canon, Law Offices, **Louisville**, KY, Garry Richard Adams, Jr., Clay, Daniel, Walton & Adams, **Louisville**, KY, for Plaintiff-Appellant

Lisa A. Schweickart, **Jefferson** County Attorney's Office, **Louisville**, KY, for Defendants-Appellants **Louisville/Jefferson** County Metro Government, Sam Madison, Kevin Hamlin, Nathaniel Hernandez, James Steffan, Robert Ashenfelter, Robert Ward, Matthew Glass, Christopher Meredith, Stu Hamilton

Nicholas Ryan Hart, Phillips, Parker, Orberon & Arnett,

Louisville, KY, for Defendant-Appellee Brian Gillock

BEFORE: GUY, BOGGS, and MOORE, Circuit Judges.

Opinion

BOGGS, Circuit Judge.

Leon Brackens brought a § 1983 claim against the Louisville/Jefferson County Metro Government, Louisville Metro Police Department (LMPD) officers, and Jeffersonville (Indiana) Police Department (JPD) officers seeking damages for injuries that Brackens sustained as a result of his forcible removal from the passenger *364 side of a minivan following a car chase. He also brought a “conspiracy to interfere with civil rights” claim and state-law evidence-tampering and tort claims. The district court granted summary judgment to the defendants on qualified-immunity grounds. The only defendants remaining on appeal are the LMPD police officers in their individual capacity. Because the officers’ forcible removal of Brackens from the vehicle was objectively reasonable in light of the facts and circumstances confronting them on the scene, we affirm the district court’s grant of summary judgment.

I

A late-night traffic stop in Jeffersonville, Indiana spiraled into a twenty-minute, cross-state car chase that ended in Leon Brackens sustaining femoral and humeral fractures after being forcibly removed from the vehicle. Brackens, a middle-aged black man who suffered from sickle-cell anemia, severe osteopenia, and hypertension, needed a ride to the store. Rhonda Sullivan, a white woman in her mid-thirties, drove him. JPD detective Samuel Moss spotted Sullivan’s minivan leave a motel parking lot at approximately 1:15 a.m. in an allegedly “high crime, high drug area.” He ran her license plates, cross-referenced the registered owner with the FBI’s National Crime Information Center database, and discovered that Sullivan had a pair of outstanding warrants. Moss signaled for backup. JPD officers Chris Ueding and Joshua Schiller soon arrived. Seconds after Moss stopped Sullivan’s van and asked Sullivan to get out of the vehicle, she sped off.

JPD officers followed Sullivan through residential areas to New Albany, Indiana and then onto an interstate highway. During the chase, Sullivan drove across a

median, entered a highway in the wrong direction, and later raced along at speeds exceeding ninety miles per hour. At one point, Sullivan tried to “ram” the cruiser of JPD Officer Chris Grimm who had pulled alongside her on a major highway. When Sullivan crossed into Kentucky, LMPD officers joined in pursuit.

During the chase, Brackens made two frantic 911 calls, at least one of which was routed to the New Albany Police Department. On both calls, Brackens managed to convey that Sullivan had fled the police, and that he was trapped in her minivan and feared for his life. Despite his agitated state, Brackens clearly communicated that he was being held against his will and could not escape.

Unfortunately, the officers responding to the emergency were provided a different picture. As Sullivan led JPD cruisers along interstate highways in Louisville, LMPD dispatchers advised their officers that both Sullivan and Brackens had felony warrants, Brackens for second-degree escape with prior handgun charges. They were initially described as acting in concert. Minutes later, dispatch backpedaled and informed officers that “the female’s not involved but she is in the vehicle ... yelling that she’s scared to death.” Five times during the ten-minute communication, LMPD officers were told that the vehicle’s occupants were “suicidal and homicidal.” When Sullivan finally pulled over, dispatch twice warned “[a]ll units [to] use extreme caution.”

JPD officers also received distorted information. The JPD dispatcher advised that the van’s occupants were “saying stuff about how *they’re* gonna die.” Some accurate information was provided: Sullivan was driving and had outstanding warrants. Just before Sullivan pulled over, dispatch warned JPD officers to use “caution” and told them that the van’s occupants were “trying to negotiate” with LMPD over the *365 phone. At no point did either dispatch accurately communicate to its officers the details of Brackens’s 911 calls.

The chase ended after twenty minutes when Sullivan stopped on a highway exit ramp in Louisville and her van was surrounded by JPD and LMPD cruisers. Two cruiser dashboard cameras captured the ensuing scene. JPD officers approached the driver’s side of the van with weapons drawn and ordered Sullivan out. She quickly complied, exiting the driver-side door with her arms raised and dropping to the ground. Schiller and Moss placed her in wrist restraints. As Sullivan was secured, LMPD officers approached the passenger side of the van. Grimm pointed his firearm at Brackens through the driver-side window and Schiller moved from the rear of the van to the passenger side.

LMPD officers ordered **Brackens** out of the van. When he did not immediately comply, Schiller opened the passenger-side door, unbuckled **Brackens**, and dragged him to the ground with LMPD Officer Brian Gillock's assistance. They rolled **Brackens** onto his stomach and held him to the pavement with the help of LMPD Officers James Steffan and Christopher Meredith. At least one officer restrained **Brackens** by applying force to his head with a knee. Once **Brackens** was handcuffed, the officers stood him up to search for a weapon, but he was unable to remain standing. **Brackens** told the officers that he was disabled and they briefly propped him against the van to conduct the pat down. **Brackens** was then seated on the ground and remained handcuffed.

EMTs were called to the scene as a precaution and transported **Brackens** to the hospital. He sustained several injuries during the incident. Radiographs of **Brackens** showed fractures to his left femur and left humerus as well as " 'severe' and 'diffuse' osteopenia and demineralization of his bones." **Brackens** died over a year later, apparently of causes unrelated to this event. His **estate** was substituted as plaintiff in this suit.

Brackens brought a lawsuit against the **Louisville/Jefferson** County Metro Government and individual JPD and LMPD officers, seeking damages in connection with the incident.¹ He claimed that the defendants: (1) used excessive force against him in violation of the Fourth Amendment; (2) conspired to violate his constitutional rights and to conceal evidence; and (3) violated Kentucky law on tort and evidence tampering. After discovery, the defendants moved for summary judgment on qualified-immunity grounds. The district court granted their motions. It found that the evidence showed that most of the officers were not in physical contact with **Brackens**. Although JPD Officer Schiller and LMPD Officers Gillock, Steffen, and Meredith did come into contact with **Brackens**, the court reasoned that they were protected by qualified immunity. It found no evidence to support the alleged conspiracy and state-law claims. The **Brackens Estate** appeals the grant of summary judgment to the LMPD officers in their individual capacity.

II

When there is no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law,

summary judgment is appropriate. Fed. R. Civ. P. 56(a). We review a district court's grant of summary judgment de novo, construing all reasonable inferences in favor *366 of the nonmoving party, *Robertson v. Lucas*, 753 F.3d 606, 614 (6th Cir. 2014), "to the extent supportable by the record," *Scott v. Harris*, 550 U.S. 372, 381 n.8, 127 S.Ct. 1769, 167 L.Ed.2d 686 (2007) (emphasis omitted). To the extent that record is supported by video evidence, we view the facts in the light depicted by that evidence. *Id.* at 381, 127 S.Ct. 1769.

A

The **Brackens Estate** asserts a Fourth Amendment claim under 42 U.S.C. § 1983. To succeed on a § 1983 claim, a plaintiff must prove that a person acting under color of law deprived him of a right protected by the Constitution or laws of the United States. *Robertson*, 753 F.3d at 614. It is undisputed that the LMPD officers seized **Brackens** under color of law. At issue is whether they deprived him of a constitutional or federally protected right when doing so.

Qualified immunity protects government officials from suit under § 1983 if (1) their conduct does not violate a clearly established right (2) of which a reasonable person would have known. *Pearson v. Callahan*, 555 U.S. 223, 231, 129 S.Ct. 808, 172 L.Ed.2d 565 (2009). The defense "provides ample protection to all but the plainly incompetent or those who knowingly violate the law." *Malley v. Briggs*, 475 U.S. 335, 341, 106 S.Ct. 1092, 89 L.Ed.2d 271 (1986). The district court concluded that the **Brackens Estate** did not show that the LMPD officers violated a clearly established constitutional right when they forcibly removed **Brackens** from the van and pinned him to the ground.

A claim that law enforcement used excessive force during a seizure is analyzed under the Fourth Amendment "reasonableness" standard. *Graham v. Connor*, 490 U.S. 386, 395, 109 S.Ct. 1865, 104 L.Ed.2d 443 (1989). "[T]he question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them...." *Id.* at 397, 109 S.Ct. 1865. "[A] reasonable officer on the scene" is "often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Id.* at 396–97, 109 S.Ct. 1865. "Relevant considerations include 'the severity of the crime at issue, whether the suspect

poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.’ ” *Fox v. DeSoto*, 489 F.3d 227, 236 (6th Cir. 2007) (quoting *Graham*, 490 U.S. at 396, 109 S.Ct. 1865).

The Sixth Circuit has had several occasions to consider whether forcibly removing the occupant of a vehicle following a high-speed chase violates the Fourth Amendment. In *Dunn v. Matatall*, for example, a motorist sped through a residential area at fifty miles per hour after an officer tried to initiate a stop. 549 F.3d 348, 350–51 (6th Cir. 2008). After two minutes, the motorist pulled over and complied with an order to place his keys outside the car, but a struggle ensued after he did not immediately comply with a command to get out of the car. (The delay may have been caused by the motorist’s becoming stuck in his seatbelt rather than any intentional disobedience.) Two officers pulled him out of the car and forced him to the ground. He suffered a femoral fracture during the arrest. We held that the use of force was objectively reasonable “given the heightened suspicion and danger brought about by the car chase and the fact that an officer could not know what other dangers may have been in the car.” *Id.* at 355, 106 S.Ct. 1092.

In other circumstances, we have similarly found that in light of the potential safety *367 threat to officers in such cases, the force required to remove from a vehicle a motorist who does not comply with police commands following a chase is not excessive under the Fourth Amendment. See *Blosser v. Gilbert*, 422 Fed.Appx. 453, 458 (6th Cir. 2011); *Williams v. Ingham*, 373 Fed.Appx. 542, 547–48 (6th Cir. 2010).

^[1]Although the facts and circumstances that inform an excessive-force claim will inevitably vary, our precedents are instructive. Taking the evidence as depicted in the dashcam videos and, otherwise, in the light most favorable to the *Brackens Estate*, the facts do not show that the LMPD officers used excessive force. The car chase here was far more dangerous than that in *Dunn*. For twenty minutes, Sullivan led police through two states at excessive speeds, drove in the wrong direction on U.S. Route 31 at one point, and tried to ram a police cruiser. Not only does a car chase reasonably bring about “heightened suspicion and danger,” *Dunn*, 549 F.3d at 355, but the LMPD officers had additional information that reasonably created an even greater safety concern.

According to dispatch, the male in the vehicle had a felony warrant for handgun possession, the female was “not involved,” the vehicle’s occupants were “suicidal or homicidal,” and responding officers should “use extreme

caution.” Although much of that information was wildly and unforgivably inaccurate, no evidence suggests that *the officers*, in the midst of a “tense, uncertain, and rapidly evolving” car chase, had any reason to question it at the time. *Graham*, 490 U.S. at 397, 109 S.Ct. 1865; cf. *White v. Pauly*, — U.S. —, 137 S.Ct. 548, 552, 196 L.Ed.2d 463 (2017) (“No settled Fourth Amendment principle requires [an] officer to second-guess the earlier steps already taken by his or her fellow officers in instances like the one ... confronted here.”). Nor does any law impute the dispatch’s errors to the officers individually.

It was reasonable for the LMPD officers to consider *Brackens* a safety threat. He was sitting in the front seat of a vehicle that had only just stopped after a twenty-minute chase. Unlike Sullivan, who immediately exited the vehicle and dropped to the ground when ordered to do so, *Brackens* did not respond. When Schiller opened the passenger door, *Brackens’s* seatbelt was fastened. Given the information at the LMPD officers’ disposal, the few seconds that elapsed between the order and *Brackens’s* removal gave them little opportunity to appreciate fully that *Brackens* was disabled and unarmed, let alone that he had no felony warrants and was caught up in the chase involuntarily.

The force used must be objectively reasonable under the circumstances, and *Brackens* suffered serious injuries during the incident. Yet “‘[n]ot every push or shove ... ’ violates the Fourth Amendment.” *Graham*, 490 U.S. at 396, 109 S.Ct. 1865 (quoting *Johnson v. Glick*, 481 F.2d 1028, 1033 (2d Cir. 1973)). Here, the officers used only reasonable force in neutralizing the perceived threat of a potentially dangerous passenger by removing him from the vehicle, pinning him to the ground until he was handcuffed, and conducting a pat down. There is no indication that the force applied would have seriously harmed a person without *Brackens’s* conditions, of which the officers had no reason to know.

Since the LMPD officers who made physical contact with *Brackens* did not use unconstitutional force in restraining him, adjudication of the *Brackens Estate’s* argument that it need not “identify his assailants with absolute certainty” is unnecessary. Appellant Br. at 25. Similarly, no LMPD officer can be held liable for failure *368 to supervise or intervene because the underlying conduct was not unconstitutional. Cf. *Turner v. Scott*, 119 F.3d 425, 429 (6th Cir. 1997).

B

^[2]Summary judgment was also warranted for the conspiracy claim. The **Brackens Estate** points to its difficulty in obtaining certain records and to several officers' slightly divergent accounts of the information that dispatch relayed to them. Appellant Br. at 32. Standing alone, those facts do not show that LMPD officers conspired to deprive **Brackens** of "the equal protection of the laws," let alone that they were "motivated by racial, or other class based animus" in carrying out such a conspiracy. *Collyer v. Darling*, 98 F.3d 211, 233 (6th Cir. 1996); see also 42 U.S.C. § 1985(3).

C

^[3]The **Brackens Estate** also asserted several state-law claims. "[A] federal court that has dismissed a plaintiff's federal-law claims should not ordinarily reach the plaintiff's state-law claims." *Rouster v. County of Saginaw*, 749 F.3d 437, 454 (6th Cir. 2014) (citation omitted). But a federal court may choose to exercise jurisdiction if "the interests of judicial economy and the avoidance of multiplicity of litigation" outweigh the serious concern of "needlessly deciding state law issues." *Landefeld v. Marion Gen. Hosp., Inc.*, 994 F.2d 1178, 1182 (6th Cir. 1993). Here, it was not an abuse of discretion to rule on the pendent state-law claims, as the district court did not have to blaze new trails in state law and could resolve the claims with the facts and findings before it. Qualified immunity for purposes of § 1983 "is essentially identical to the qualified official immunity inquiry under [Kentucky] law." *Jefferson Cty. Fiscal Court v. Pearce*, 132 S.W.3d 824, 837 (Ky. 2004). When sued in their individual capacity, public officers are protected by qualified immunity "for negligent performance of: '(1) discretionary acts or functions, i.e., those involving the exercise of discretion and judgment, or personal deliberation, decision, and judgment; (2) in good faith; and (3) within the scope of the employee's authority.'" *T.S. v. Doe*, 742 F.3d 632, 641 (6th Cir. 2014) (quoting *Yanero v. Davis*, 65 S.W.3d 510, 522 (Ky. 2001)).

^[4]The district court's dismissal of the **Brackens Estate's** state-law tort claims was appropriate. The LMPD officers did not act in bad faith. As discussed, their actions were not "objective[ly] unreasonable[ly]," and the facts do not support an argument that they "willfully or maliciously intended to harm" **Brackens**. *Yanero*, 65 S.W.3d at 523. Rather, they behaved with the "permissible intention[]" of abating what they reasonably perceived as an immediate safety threat. *Bryant v. Pulaski Cty. Det. Ctr.*, 330 S.W.3d 461, 466 (Ky. 2011) (quoting *Yanero*, 65 S.W.3d at 523).

^[5]The **Brackens Estate** also claims that LMPD officers tampered with physical evidence. See *Ky. Rev. Stat. § 524.100*. However, the facts do not support the argument that any officer "alter[ed] physical evidence ... with intent to impair its ... availability in the official proceeding." *Id.* at § 524.100(1)(a). Absent any such proof, the claim cannot be supported and accordingly the district court's grant of summary judgment on it was not in error.

III

The facts of this case play out like a tragic performance of the party game of telephone: **Brackens** clearly indicated that he was being held against his will in the speeding car while Sullivan was refusing to cooperate with police, but his message was *369 contorted and reported to responding officers as the exact opposite. Yet because the officers operated with the shockingly false information provided to them (information that they had no reason to doubt), their actions in removing **Brackens**—a man they were told was "suicidal and homicidal" and apparently willing and able to force an uninvolved party to drive recklessly to escape police—were reasonable. We therefore **AFFIRM** the district court's grant of summary judgment.

All Citations

680 Fed.Appx. 362

Footnotes

¹ The **Louisville/Jefferson** County Metro Government and JPD officers have been dismissed as parties. The LMPD officers have been dismissed in their official capacities only. The **Brackens Estate** did not bring suit against the police dispatchers.